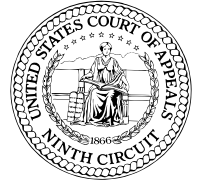




Office of the Clerk
UNITED STATES COURT OF APPEALS for the NINTH CIRCUIT
James R. Browning Courthouse
95 Seventh Street, Post Office Box 193939
San Francisco, California 94119-3939



Cathy A. Catterson, Clerk of Court

(415) 556-9800

AMENDMENTS TO THE GENERAL ORDERS
effective October 4, 2006

<i>General Order</i>	<i>TITLE</i>	<i>New/Revised</i>
5.4.c.3	Rehearing En Banc - En Banc Calls and Supplemental Briefing - <i>Sua Sponte</i> Calls	Revised
5.5.e	Recusals	New
10.1.a	Executive Committee of the Court - Membership	Revised

5.4. Rehearing En Banc

- a. **Duties of Clerk**
* * * *
- b. **Request for Notice of Panel Vote on Petition for Panel Rehearing and Time Within Which Judges Must Act After Notice**
 - 1. **Request for Notice**
* * * *
 - 2. **Circulation of Notice; Vote on Petitions; Proposed Amendments**
* * * *
 - 3. **Procedure When Only a Petition for Panel Rehearing is Filed**
* * * *
- c. **En Banc Calls and Supplemental Briefing**
 - 1. **En Banc Calls**
* * * *
 - 2. **Supplemental Briefing**
* * * *
 - 3. ***Sua Sponte* Calls**

A judge may *sua sponte* call for a vote on rehearing en banc within seven days of the expiration of the time for filing a petition for panel rehearing or rehearing en banc. This means the *sua sponte* call must ordinarily be made within 21 days of the filing of the panel's decision in all cases, except civil cases in which the United States is a party. In such cases, the call must

ordinarily be made within 52 days of the filing of the panel's decision. See F.R.A.P. 40(a).

When the panel grants a party an extension of time to file a petition for rehearing or rehearing en banc, the time to make a *sua sponte* call will extend for seven days after the petition is due. A judge may also call for en banc within 21 days of the filing of an order directing that a previously unpublished disposition be published. Upon receipt of a timely *sua sponte* en banc call, the author of the panel opinion or the Clerk of Court upon the request of the En Banc Coordinator shall ordinarily enter an order directing the parties to file simultaneous briefs within 21 days setting forth their respective positions on whether the matter should be reheard en banc. If the En Banc Coordinator orders that no supplemental briefing will be filed, the parties will be notified of the *sua sponte* en banc call. The date the simultaneous briefs are circulated by the Clerk's Office or the date En Banc Coordinator determines that no supplemental briefs will be filed will start the time for circulation of memos set forth in GO 5.5.a. (Rev. 7/1/02, 10-4-06)

5.5. Recusals

a. Memoranda

* * * *

b. Voting

* * * *

c. No Majority Favoring En Banc Consideration

* * * *

d. Majority Favoring En Banc Consideration

* * * *

e. Recusals

It is left to the discretion of the individual judge as to whether that judge's recusal is noted in the order either denying or granting en banc review. (New, 10-4-06)

Chapter X.

MEETING of COURT & EXECUTIVE COMMITTEE

10.1. Executive Committee of the Court

a. Membership

The Executive Committee of the court shall consist of the Chief Judge, the judge who is next eligible to serve as Chief Judge, if that judge is not currently serving as an administrative unit judge, the three administrative unit judges, a senior judge drawn by lot from among those senior judges willing to be considered, and three other active judges drawn by lot from among those active judges willing to be considered. Judges drawn by lot shall serve staggered terms of three years. A judge shall not be eligible to serve again for two years following the expiration of his or her term of service on the committee, unless that judge becomes eligible to serve as chief, next in line to be chief, or administrative judge. *(Rev. 10-4-06)*

Attendance at meetings is required unless excused by the Chief Judge. Four members shall constitute a quorum. The Chief Judge shall chair the Executive Committee. Judges drawn by lot who are also eligible to serve on the Judicial Council shall elect to serve on either the Executive Committee or the Council.